

**REMARKS**

The rejection of claims 2, 7, 11, 12 and 14 as being unpatentable over Shirai et al. in view of JP '253 under 35 U.S.C. § 103(a) is traversed. Reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

The Shirai et al. patent discloses only that a ultrasonic wave motor maintains a braking force when the motor power supply is interrupted. It does not suggest the "lock mechanism" and the "electric parking brake mechanism" of the claimed invention in view of the particular motor disclosed in that patent.

The JP '253 document discloses a parking brake mechanism having an auxiliary operation which is performed by electro-magnetically fixing a brake pedal acting as one part of a main braking mechanism. It does not suggest a "lock mechanism" and/or an "electric parking brake mechanism" in the electro-mechanical braking device as claimed herein. Even if, for argument's sake, the teachings of both documents would have been combinable without exercising impermissible hindsight, the resulting hypothetical combination would not have been that as claimed in Claims 15 *et seq.*

That is, the prior art does not address the problem addressed by the present invention, namely in a vehicle having an electro-mechanical braking

device for generating a braking force when power is supplied, the braking force for parking is not maintained when a power source of the vehicle is turned off.

The claimed invention, provides "a lock mechanism for maintaining a braking force" and "an electric parking brake mechanism for actuating or releasing the lock mechanism" in addition to a motor for generating the braking force. In case a switch for the power source is rendered non-operative when a driver signals an intent to stop the vehicle, a braking force instruction is given which is different from a parking brake instruction or a braking pedal is stepped on, and the lock mechanism is actuated by the parking brake mechanism to maintain the braking force independently of the parking brake command.

In the present invention, the motor used for the electro-mechanical device does not require that a motor of a particular type as in the Shirai et al. apparatus but applies to motors of general use.

Accordingly, early and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

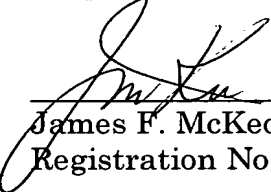
If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

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please charge any deficiency in fees or credit any overpayments to Deposit  
Account No. 05-1323 (Docket #056203.52940US).

Respectfully submitted,

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James F. McKeown  
Registration No. 25,406

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
JFM:elew (2812107)